

House Bill 1381

By: Representatives Warren of the 122nd, Porter of the 143rd, Murphy of the 120th, Smyre of the 132nd, Orrock of the 58th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as
2 to enact the "Georgia Journeyman Electrician Licensing Act"; to provide for definitions; to
3 provide for qualifications for licensure and for renewal of licenses; to provide for the
4 expiration of licenses; to provide for examination; to provide for apprenticeship programs;
5 to provide for reciprocity under certain conditions; to provide for practical experience
6 training; to provide for the liability of a journeyman or master electrician for unprofessional
7 conduct; to provide for exemptions; to provide for the licensure of certain persons without
8 examination; to provide for the suspension or revocation of licenses under certain
9 circumstances; to provide for the powers and duties of the Division of Electrical Contractors;
10 to provide for enforcement of the chapter; to provide a penalty; to provide for other matters
11 relative to the foregoing; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by
15 adding immediately following Chapter 14 a new Chapter 14A to read as follows:

16 "CHAPTER 14A

17 43-14A-1.

18 This chapter shall be known and may be cited as the 'Georgia Journeyman Electrician
19 Licensing Act.'

20 43-14A-2.

21 As used in this chapter, the term:

(1) 'Apprentice electrician' means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under the approved supervision of a licensed journeyman electrician and is enrolled in a federal or state approved educational training program.

(2) 'Approved supervision' means the immediate supervision of apprentices by qualified licensed electricians as a part of a planned program of training.

(3) 'Board' means the State Construction Industry Licensing Board.

(4) 'Contractor' means any person, firm, partnership, corporation, association, or other organization or any combination thereof who for compensation other than wages as an employee undertakes any work in the electrical trade for which licensure is required under this chapter and includes any person who represents himself or herself to be a contractor by advertising or any other means.

(5) 'Division' means the Division of Electrical Contractors.

(6) 'Electrical trade' means the performance of any electrical work involved in the installation, construction, alteration, change, repair, removal, or maintenance of facilities, buildings, appendages, or appurtenances. Electrical trade does not include such activities as:

(A) Transporting or handling electrical materials; and

(B) Installations under the exclusive control of electrical utilities.

For purposes of this paragraph, no more than one unlicensed person may be employed unless more than three licensed electricians are employed by a company or electrical contractor and no company or electrical contractor may employ unlicensed persons in excess of the ratio of three licensed electricians to one unlicensed person permitted by this paragraph.

(7) 'Employee' means an individual as defined by rule by the division, giving consideration to the definition adopted by the federal Internal Revenue Service.

(8) 'Engage in the electrical trade' means to:

(A) Engage in, represent oneself to be engaged in, or advertise oneself as being engaged in an electrical trade; or

(B) Use the name 'electrician' or 'electrical journeyman' or in any other way lead a reasonable person to believe one is or will act as a journeyman electrician.

(9) 'Immediate supervision' means reasonable direction, oversight, inspection, and evaluation of the work of a person, in or out of the immediate presence of the supervising person, so as to ensure that the end result complies with applicable standards.

(10) 'Individual' means a natural person.

(11) 'Journeyman electrician' means a person licensed under this chapter as a journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes, as defined by the National Electrical Code.

(12) 'License' means a valid and current certificate of registration issued by a division of the board, which certificate shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

(13) 'Unskilled labor' means ancillary work not restricted by the performance of an electrical trade.

43-14A-3.

An applicant may apply for a license in one or more classifications or subclassifications. A license shall be granted in each classification or subclassification for which the applicant qualifies. A separate application and fee must be submitted for each license classification or subclassification.

43-14A-4.

(a) Each applicant for a license under this chapter shall:

- (1) Submit an application prescribed by the division;
- (2) Pay a fee as determined by the board;
- (3) Pass an examination approved by the division in collaboration with the board, except for the classifications of apprentice electrician and residential trainee electrician for which no examination is required. The individual qualifier must pass the required examination if the applicant is a business entity; and
- (4) Identify the proposed supervisor of the apprentice if the applicant is an apprentice.

(b) Each applicant for a license renewal under this chapter shall:

- (1) Submit an application prescribed by the division;
- (2) Pay a fee as determined by the board;
- (3) Submit proof of continuing education for the hours required for renewal from an approved educational facility as determined by the division. Such continuing education should be a minimum of ten hours per year; and
- (4) Identify the proposed supervisor of the apprentice, if the applicant is an apprentice.

(c) A journeyman electrician license applicant shall produce satisfactory evidence that such applicant:

(1) Has successfully completed at least four years of full-time training and instruction as a licensed apprentice electrician under direct supervision of a journeyman electrician and in accordance with a planned program of training approved by the division;

(2) Has eight years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed journeyman electrician; or

(3) Meets qualifications determined by the division to be equivalent to the qualifications otherwise required under this subsection.

(d) A residential journeyman electrician applicant shall produce satisfactory evidence that such applicant either:

(1) Has successfully completed two years of training in an electrical training program approved by the division; or

(2) Has four years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed journeyman or residential journeyman electrician.

(e) The conduct of licensed apprentice electricians, residential trainee electricians, and their licensed supervisors shall be in accordance with the following:

(1) A licensed apprentice electrician or residential trainee electrician shall be under the immediate supervision of a licensed journeyman or residential journeyman electrician. An apprentice in the fourth year of training may work without supervision for a period not to exceed eight hours in any 24 hour period;

(2) A licensed journeyman or residential journeyman electrician may have under his or her immediate supervision on a residential project up to three licensed apprentice or residential trainee electricians; and

(3) A licensed journeyman electrician may have under his or her immediate supervision on nonresidential projects only one licensed apprentice electrician.

43-14A-5.

Each journeyman electrician license and apprentice electrician license issued under this chapter shall expire on July 31 of each odd-numbered year, and each residential journeyman electrician license and residential trainee electrician license issued under this chapter shall expire on July 31 of each even-numbered year.

43-14A-6.

(a) Each applicant for licensure as an apprentice electrician or as a residential trainee electrician shall submit an application prescribed by the division, and the date upon which

1 the applicant is approved for licensure by the division shall be the beginning date of the
2 apprenticeship or training period.

3 (b) Applicants who have commenced an electrical apprentice or residential trainee
4 program in another state may request that the division give them credit for that portion of
5 the apprenticeship or training completed in the other state upon a finding by the division
6 that the program in the other state is equal to the apprenticeship or training program
7 required in this state.

8 (c) The burden for demonstrating equivalency of the out-of-state apprenticeship or training
9 program lies with the applicant. Equivalency may be demonstrated by documentation of
10 the curriculum and training which is required as a part of the program of the other state.

11 43-14A-7.

12 Each applicant for licensure as a journeyman electrician shall submit an application
13 prescribed by the division on which is clearly indicated the following:

14 (1) Satisfactory completion of an apprenticeship or experience as required for licensure
15 as a journeyman electrician; and

16 (2) Successful completion of the journeyman electrician's examination established by
17 the division in collaboration with the board.

18 43-14A-8.

19 Each applicant for licensure as a residential journeyman electrician shall submit an
20 application prescribed by the division on which is clearly indicated the following:

21 (1) Satisfactory completion of a training program or experience as required for licensure
22 as a residential journeyman electrician; and

23 (2) Successful completion of the residential journeyman electrician's examination
24 established by the division in collaboration with the board.

25 43-14A-9.

26 (a) An applicant for licensure in this state as a journeyman electrician or residential
27 journeyman electrician who is currently licensed by any other state, district, or territory of
28 the United States in the same classification for which he or she is applying for licensure in
29 this state may apply for licensure in this state without taking the required examination if
30 the applicant has completed an apprenticeship or training program or has obtained the
31 experience required under the laws of this state satisfactory to the division and the applicant
32 has obtained his or her license in any other state, district, or territory of the United States

by passing an examination in that state, district, or territory which examination is determined by the division and the board to be equivalent to the examination in this state.

(b) The burden for demonstrating equivalency of apprenticeship, training, experience, and examination from another state, district, or territory of the United States with that required in this state lies with the applicant. The fact that an applicant is recognized by any other jurisdiction or the presentation of evidence that the applicant has practiced in an electrical trade for any length of time shall not be the criteria by which the division and the board shall determine if the applicant may be exempted from taking the Georgia examination. Such determination shall be made only on a finding of equivalency of the apprenticeship, training program, or experience and the examination by which the applicant obtained licensure in another jurisdiction with the requirements of this state.

43-14A-10.

(a) It shall be unlawful for any person to engage in an electrical trade in this state unless that person is currently licensed in the state as an apprentice electrician, residential trainee electrician, residential journeyman electrician, or journeyman electrician.

(b) No partnership, limited liability company, or corporation shall have the right to engage in the electrical trade unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons actually engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter.

43-14A-11.

An apprentice electrician program to be approved by the division shall consist of both a formal program of classroom related instruction and on-the-job training in accordance with the following:

(1) Applicants for licensure, except those exempted under this chapter, shall be required to successfully complete an examination according to the following standards:

<u>Journeyman Electrician Exam</u>	<u>Passing Score</u>
(a) Theory	70 Percent
(b) Code	70 Percent
(c) Practical	Pass
<u>Residential Journeyman Electrician Exam</u>	<u>Passing Score</u>
(a) Theory	70 Percent
(b) Code	70 Percent

(c) Practical

Pass;

(2) Prior to taking an examination, the applicant shall have completed the apprenticeship, training, or experience required for licensure under this chapter;

(3) Admission to the examination shall be made by filing an application in accordance with current publications of the division;

(4) If an examinee passes any portion of an examination and fails any one or more of the other portions, the examinee need only retake the portion of the examination failed;

(5) Examinations shall be given bimonthly or as often as necessary to meet the demand of licensing applications as determined by the division. Applicants who fail the examination shall be required to take the examination at each consecutive examination period up to the maximum number of times allowed by law or until the examination is passed;

(6) If an applicant fails to appear for an examination for which he or she has been approved without providing a written excuse to the division prior to the examination, the unexcused absence shall be considered as if the applicant had taken the examination and failed; and

(7) Apprentices who have been approved for the journeyman examination may take the examination a maximum of six consecutive times.

43-14A-12.

(a) Each apprentice shall register with the division.

(b) The classroom related instruction shall be conducted by an approved local education agency apprenticeship program or such other program that has been approved by the division. The division, with the concurrence of the board, shall approve the accreditation of the local education agency or such other program and the curriculum for electricians. Apprenticeship programs in electrical construction that are registered with the federal Bureau of Apprenticeship and Training shall be approved programs of training.

(c) An apprentice electrician shall successfully complete 576 hours of approved classroom related instruction or accomplish competencies and mastery of related instruction by demonstrations or tests to measure the student's achievement level. Classroom hours may be attributed to the level of competency based on a determination by the division as to how much time an individual should require to master the related training tasks.

(d) A residential trainee electrician shall complete 288 hours of approved classroom related instruction or accomplish competencies and mastery of related instruction by demonstrations or tests to measure the student's achievement level. Classroom hours may

be attributed to the level of competency based on the division's determination of how long it takes an individual to master the related training tasks.

(e) Successful completion of the formal classroom related instruction and on-the-job training shall be evidenced by a competency examination. An apprentice shall receive a passing grade as a condition for completing the apprenticeship.

43-14A-13.

(a) On-the-job training shall be provided under the direct supervision of a licensed journeyman electrician or a licensed master electrician.

(b) On-the-job training for an apprentice electrician shall be not less than 8,000 hours of supervised work experience, or the sponsor may recommend the apprentice for journeyman status based on demonstrated competency and mastery of the trade in accordance with requirements established by the division.

(c) Training for a residential trainee electrician shall be not less than 4,000 hours of supervised work experience, or the sponsor may recommend the apprentice for journeyman status based on demonstrated competency and mastery of the trade in accordance with requirements established by the division.

(d) Competencies and mastery of on-the-job training can be accomplished by demonstrations or tests to measure the apprentice's achievement level. On-the-job training hours may be attributed to the level of competency based on the determination of the division.

(e) All on-the-job training shall be under circumstances in which the ratio of apprentices to supervisors is in accordance with a ratio of one apprentice to one supervisor on nonresidential work and up to three apprentices to one supervisor on residential projects.

43-14A-14.

The work experience needed to qualify an applicant for licensure, as approved by the division, shall consist of on-the-job training in the following categories and approximate amounts:

(1) Work Experience I:

WORK EXPERIENCE I

<u>Work Process</u>	<u>Approximate Hours</u>
RESIDENTIAL - wiring of residences, duplexes, small apartment buildings, and necessary shop work and preparation	500

1	COMMERCIAL - wiring of public and	3,500
2	commercial, school, and hospital buildings; the	
3	installation and repair of all equipment therein;	
4	and necessary shop work and preparation	
5	INDUSTRIAL - wiring of all industrial	3,000
6	buildings and equipment; the maintenance,	
7	repair, and alteration of the same; and the	
8	necessary shop work and preparation	
9	SPECIALIZED SYSTEMS - wiring of systems	1,000
10	which include sound, data transmission,	
11	telephone, fire alarm, fiber optics, energy	
12	management, closed circuit television,	
13	programmable controllers, and nurse call	
14	systems	
15	TOTAL HOURS	8,000;

16 (2) Work Experience II:

17	WORK EXPERIENCE II	
18	<u>Work Process</u>	<u>Approximate Hours</u>
19	RESIDENTIAL INSTALLATIONS - rigid	1,100
20	conduit and EMT (thin wall); flexible conduit	
21	and cable; connecting and testing; service and	
22	distribution; and signal systems	
23	RESIDENTIAL MAINTENANCE AND	1,400
24	REPAIR - adding circuits; trouble-shooting;	
25	and signal systems	
26	COMMERCIAL INSTALLATIONS - exposed	1,900
27	rigid conduit and EMT; concealed rigid conduit	
28	and EMT; surface raceways; wire and cables,	
29	wiring devices, fixtures; and panelboards	
30	INDUSTRIAL INSTALLATION AND	1,200
31	CONNECTIONS - conductor; distribution	
32	panels; and switchboard	
33	MAINTENANCE AND REPAIR - industrial	1,400
34	and commercial	

1	SPECIALIZED WORK - temperature and	1,000
2	refrigeration controls; specialized fixtures and	
3	welding automatic controls; signal systems; and	
4	grounding	
5	TOTAL HOURS	8,000; or

6 (3) Work Experience III:

7 WORK EXPERIENCE III

8	<u>Work Process</u>	<u>Approximate Percentages</u>
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9	RACEWAYS, BOXES, AND	40-60 percent
10	FITTINGS - conduit, wireways,	
11	cableways and other raceways and	
12	associated fittings	
13	WIRE AND CABLE - individual	15-25 percent
14	conductors and multiconductor	
15	cables	
16	DISTRIBUTION AND	10-20 percent
17	UTILIZATION EQUIPMENT -	
18	transformers, panel boards,	
19	switchboards, control panels,	
20	disconnects, motor starters, lighting	
21	fixtures, heaters, appliances, motors,	
22	and other distribution and utilization	
23	equipment	
24	SPECIALIZED WORK - grounding	5-15 percent
25	and wiring of systems for sound,	
26	data, communications, alarms,	
27	automated systems, generators,	
28	batteries, and computer equipment	

29 The above are percentages of a total of 8,000 hours.

30 43-14A-15.

31 It shall be the responsibility of the journeyman or master electrician who is licensed by the
32 division to ensure that the work installed by him or her as well as by any apprentice under

his or her supervision is properly installed. Proper and safe installations shall be the responsibility of the supervising party or parties. Improper or unsafe installations in violation of law shall result in action being taken against the responsible party or parties for unprofessional conduct.

43-14A-16.

The provisions of this chapter shall not apply to the following:

(1) The construction, installation, maintenance, repair, or renovation by any rural electric association or cooperative or by any municipally owned utility of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards or any other such activity when performed by any duly authorized employee of any such public utility, association, cooperative, or municipally owned utility;

(2) The construction and manufacture of manufactured homes covered by the federal National Manufactured Home Construction and Safety Standards;

(3) Any individual doing electrical work on his or her own property or residence if all such electrical work, except for maintenance, repair, or alteration of existing facilities, is inspected as provided in this chapter; if, however, such property or residence is intended for sale or resale by a person engaged in the business of constructing or remodeling such facilities or structures or such property is rental property which is occupied or is to be occupied by tenants for lodging, either transient or permanent, or is generally open to the public, the owners shall be responsible for, and the property shall be subject to, all of the provisions of this chapter pertaining to inspection and licensing, unless specifically exempted in this chapter;

(4) Any holder of a state issued heating, ventilation, air-conditioning, and refrigeration or heating, ventilation, and air-conditioning license may run line voltage power wiring, in compliance with the state electric code, from the disconnect box to an outdoor heating, ventilation, and air-conditioning unit within a distance not to exceed ten feet from a point of the heating, ventilation, and air-conditioning equipment;

(5) Any employee of a hospital performing minor repairs or making minor alterations to existing electrical facilities during the normal performance of his or her duties with a hospital licensed by the Department of Human Resources;

(6) Any industrial electrical manufacturer; and

(7) Any employee of any company, which company's business is not to provide electrical work or electrical maintenance work for others, who is employed to perform the electrical

work necessary to repair and maintain the equipment and the premises of that company or to install new equipment on the premises of that company.

43-14A-17.

Those persons employed in the electrical trade who meet the requirements as specified in this chapter for any license examination shall have until January 1, 2007, to provide documentation to the board substantiating their entitlement to any license, as proposed, without having to stand for examination.

43-14A-18.

(a) The division shall:

(1) In collaboration with the board, approve examinations for all applicants for licenses;

(2) Register and license or issue renewal licenses to all persons meeting the qualifications for a license;

(3) Investigate, with the aid of the division director, alleged violations of this chapter or other laws and rules and regulations of the board or division relating to the profession;

(4) After notice and hearing, have the power to reprimand any person or licensee or to suspend, revoke, or cancel the license or refuse to grant, renew, or restore a license to any person or licensee upon any one of the following grounds:

(A) The commission of any false, fraudulent, or deceitful act or the use of any forged, false, or fraudulent document in connection with the license requirements of this chapter or the rules and regulations of the board or division;

(B) Failure at any time to comply with the requirements for a license under this chapter or the rules and regulations of the board or division;

(C) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to such an extent as to render the licensee unsafe or unfit to practice any profession licensed under this chapter;

(D) Engaging in any dishonorable or unethical conduct likely to deceive, defraud, or harm the public;

(E) Knowingly performing any act which in any way assists an unlicensed person to practice such profession;

(F) Violating, directly or indirectly, or assisting in or abetting any violation of any provision of this chapter or any rule or regulation of the board or division; or

(G) The performance of any faulty, inadequate, inefficient, or unsafe electrical work likely to endanger life, health, or property. The performance of any work that does not comply with the standards set by state codes or by local codes in jurisdictions where

1 such codes are adopted, provided that such local codes are as stringent as the state
2 codes, or by other codes or regulations which have been adopted by the board or
3 division, shall be prima-facie evidence of the faulty, inadequate, inefficient, or unsafe
4 character of such electrical work; provided, however, that the division, in its sole
5 discretion, for good cause shown and under such conditions as it may prescribe, may
6 restore a license to any person whose license has been suspended or revoked;

7 (5) Review amendments to or revisions in the state minimum standard codes as prepared
8 pursuant to Article 1 of Chapter 2 of Title 8; and the Department of Community Affairs
9 shall be required to provide to the division director a copy of any amendment to or
10 revision in the state minimum standard codes at least 45 days prior to the adoption
11 thereof; and

12 (6) Do all other things necessary and proper to exercise its powers and perform its duties
13 in accordance with this chapter.

14 (b) The division may also provide, by rules and regulations, for the issuance of certificates
15 of competency pertaining to financial responsibility and financial disclosure; provided,
16 however, that such rules and regulations are adopted by the board. The division shall issue
17 certificates of competency and renewal certificates to persons meeting the qualifications
18 therefor.

19 (c) The division shall also hear appeals resulting from the suspension of licenses by an
20 approved municipal or county licensing or inspection authority pursuant to Code Section
21 43-14A-22.

22 (d)(1) The division shall be authorized to require persons seeking renewal of licenses to
23 complete board approved continuing education. The division shall be authorized to
24 approve courses offered by institutions of higher learning, vocational-technical schools,
25 and trade, technical, or professional organizations; provided, however, that continuing
26 education courses or programs related to electrical contracting provided or conducted by
27 public utilities, equipment manufacturers, or institutions under the State Board of
28 Technical and Adult Education shall constitute acceptable continuing professional
29 education programs for the purposes of this paragraph. Continuing education courses or
30 programs conducted by manufacturers specifically to promote their products shall not be
31 approved.

32 (2) The division shall be authorized to waive the continuing education requirements in
33 cases of hardship, disability, or illness or under such other circumstances as the division
34 deems appropriate.

1 43-14A-19.

2 (a) All orders and processes of the board and the division shall be signed and attested by
3 the division director; and any notice or legal process necessary to be served upon the board
4 or the division may be served upon the division director.

5 (b) The division director or his or her designee is vested with the power and authority to
6 make such investigations in connection with the enforcement of this chapter and the rules
7 and regulations of the board as the director, the board, the division, or any district attorney
8 may deem necessary or advisable.

9 43-14A-20.

10 This chapter shall be administered in accordance with Chapter 13 of Title 50, the 'Georgia
11 Administrative Procedure Act.'

12 43-14A-21.

13 Whenever it shall appear to the division or to the division director or to a county or
14 municipal inspection authority that any person is or has been violating this chapter or any
15 of the lawful rules, regulations, or orders of the board or division, the division, the local
16 inspection authority, or the appropriate prosecuting attorney may file a petition for an
17 injunction in the proper superior court of this state against such person for the purpose of
18 enjoining any such violation. It shall not be necessary to allege or prove that there is no
19 adequate remedy at law. The right of injunction provided for in this Code section shall be
20 in addition to any other legal remedy which the board has and shall be in addition to any
21 right of criminal prosecution provided for by law.

22 43-14A-22.

23 (a) Any municipal or county inspection authority which meets the standards established
24 by the division shall be authorized, after notice and hearing, to suspend the license of, or
25 refuse to restore a license to, any person or licensee upon the grounds set out in
26 paragraph (4) of subsection (a) of Code Section 43-14A-18; provided, however, that such
27 suspension of a license by a local inspection authority shall be applicable only within the
28 jurisdiction of such local authority. Any person aggrieved by an action of a local authority
29 shall be entitled to an appeal to the division and shall be entitled to a hearing.

30 (b) This chapter shall not be construed to prohibit the governing authority of any county
31 or municipality in the state from adopting and enforcing codes at the local level.

32 (c) No provision of this chapter shall be construed as prohibiting or preventing a
33 municipality or county from fixing, charging, assessing, or collecting any license fee,

1 registration fee, tax, or gross receipt tax on any related business or on anyone engaged in
2 any related business governed by this chapter.

3 43-14A-23.

4 Any person who violates this chapter shall be guilty of a misdemeanor."

5 **SECTION 2.**

6 All laws and parts of laws in conflict with this Act are repealed.